

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 443 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

DENA BANK

Appearance:

MR UDAY BHATT, Ld. AGP for Appellant
DR MAHESH THAKAR for Respondent Nos. 1 to 3
NOTICE SERVED for Respondent No. 4

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 21/09/2000

ORAL JUDGEMENT

The original defendant no.2 of Summary Civil Suit
No.75 of 1990 which was pending on the file of the
learned Civil Judge(S.D.), Anand, and at present, which
is transferred and pending before the Debts Recovery

Tribunal, Ahmedabad, has filed this appeal under Sec.104(1) of CPC read with Order 43 Rule 1(r) of CPC challenging the legality and propriety of an order dated 4.1.1995 passed below application Ex.28 in aforesaid suit.

2. Here in this appeal, the appellant is the original defendant no.2 i.e. State of Gujarat whereas respondents No.1 to 3 are the plaintiffs whereas respondent No.4 is the defendant no.1 and, therefore, parties will be referred to hereinafter as plaintiffs and defendants respectively at appropriate places.

3. When this appeal came up for final hearing before this Court, the learned advocates for both the parties jointly submitted that, without observing anything about the order challenged in this appeal and without assigning any reason in the judgment, this appeal may be disposed of by giving suitable directions to the Debts Recovery Tribunal, Ahmedabad.

4. Having heard the learned advocates for both the parties and on going through the grounds of appeal stated in appeal memo for this present appeal, this Court finds it necessary to dispose of the appeal by giving suitable directions to the Debts Recovery Tribunal, Ahmedabad.

5. In view of this, the Debts Recovery Tribunal, Ahmedabad is directed to dispose of Summary Civil Suit No.75 of 1990 which has been transferred from the Court of learned Civil Judge(S.D.), Anand, and which is still pending before it within three months from the date of receipt of writ of this Court, by affording full opportunity of being heard to both the parties, without being influenced in any manner by the order of this Court.

6. Both the parties are directed to extend full co-operation to the Tribunal so as to enable him to dispose of the suit within a given time.

7. Meanwhile, the order dated 24th June, 1996, of this Court (Coram: K.R.Vyas, J.) passed in Civil Application No.4147 of 1996 in A.O. No.443 of 1995 shall continue to remain effective and operative till final disposal of the suit by the Debts Recovery Tribunal, Ahmedabad.

With the aforesaid directions, this appeal stands disposed of accordingly with no order as to costs.

(H.H. Mehta, J.)

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